

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD**

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

Civil Action No. 1:10-1403
Honorable Judge David A. Faber

TRAVIS W. BARKER,

Defendant.

**DEFENDANT'S RESPONSE TO STATE OF WEST
VIRGINIA'S MOTION TO REMAND**

COMES NOW the Defendant, Travis W. Barker, by and through counsel, John H. Bryan, Martha J. Fleshman, John H. Bryan, Attorneys at Law, and hereby moves this Court to deny the State of West Virginia's Motion to Remand the above-styled case to state court. This Response is support by the attached exhibits and accompanying Memorandum.

TRAVIS BARKER
By Counsel

/s John H. Bryan
John H. Bryan (WV Bar No. 10259)
Martha J. Fleshman (WV Bar No. 8542)
JOHN H. BRYAN, ATTORNEYS AT LAW
611 Main Street
P.O. Box 366
Union, WV 24983
(304) 772-4999
Fax: (304) 772-4998
jhb@johnbryanlaw.com

for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2011, I electronically filed the foregoing DEFENDANT'S RESPONSE TO STATE OF WEST VIRGINIA'S MOTION TO REMAND with the Clerk of the Court using the CM/ECF system and served the same on plaintiff by U.S. Mail delivery addressed as follows:

Scott Ash, Esq.
Prosecuting Attorney of Mercer County
Mercer County Courthouse
1501 West Main Street
Princeton WV 24740

/s John H. Bryan